

**MINUTES OF THE
ROCK ISLAND BOARD OF ZONING APPEALS**

Regular Meeting

7:00 p.m.

April 12, 2017

ATTENDANCE:	(x) Present	() Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		() Robert Wild
(x) Faye Jalloh		

Staff Present: Alan Fries.

Chairman Snyder called the meeting to order at 7:00 p.m.

Approval of Minutes – Mr. Tschappat made a motion to approve the Minutes of the March 8, 2017 meeting. Mr. McAdam seconded the motion, and it passed unanimously.

Procedural Explanation – Chairman Snyder explained the procedure to be followed for the public hearing.

Public Hearing #2017-05 - Request from Michael Pate/Nikki Huggins of Electric Guard Dog, LLC for a variance to allow an electric fence in an I-1 (light industrial) district at 1931 1st Street

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires that electric fences only be located in agricultural and SE-1 (suburban estates) districts (Section 8.12). The applicant proposes to maintain a 10 foot tall electric fence surrounding the towing business site.

Staff became aware of the proposed electric fence and contacted the owner about the need for the variance. The applicant desires to maintain the electric fence that surrounds the towing storage yard and structure. The fence was located on the property without a variance or building permit and staff contacted the owner for the need for the variance. The applicant explains that the electric fence is needed in order to reduce the potential for vehicle equipment theft on the property. The applicant also has a towing storage facility at 2550 5th Street and received a variance there to locate a similar electric fence after experiencing thefts from people scaling a six foot tall privacy fence and stealing car stereos and other electronic equipment from vehicles parked in that outside storage yard. Two other vehicle storage businesses in the Quad City area have erected similar electronic fences at their businesses.

The subject electric fence will be located inside the existing six-foot tall chain link fence. Signs are already posted identifying that there is an electric fence surrounding the vehicle storage area.

The “voltage” of the fence will be less than the maximum allowed in the Zoning Ordinance (ordinance requirements are to not exceed 25 milliamperes nor a pulsating current lower than one-tenth second in a one-second cycle). These voltage levels are set for agricultural uses. The voltage for the proposed fence will be set much lower (since it will be set to deter, not injure, humans).

Chairman Snyder called for proponents.

Michael Pate, 550 Assembly Street in Columbia South Carolina and representing Electric Guard Dog LLC, was sworn in. He said the system does not use the local electric infrastructure on the site, but uses two 6-volt batteries and charged with solar panels. He said if the fence goes off there is an alarm and the reason for the alarm going off is identified to his business. The owner is then notified and asked to verify if there is someone illegally at the site and if so, to call the Police Department. He said there is also a Knox box at the site with the ability for the Fire and Police Department to turn off the electricity to investigate the site for fire and/or theft.

Mr. Tschappat asked if the electric fence extends from grade to the top of the fence. Mr. Pate replied that it does go down to the bottom of the fence as most incursions into a property are at the lower level of a fence. He added that a 10 foot fence is needed as if the electric fence was only 6 feet high someone could climb up the 6 foot chain link fence that is adjacent to the 6 foot electric fence and jump from the chain link fence over the electric fence.

Dan Forgie, 2718 54 Avenue West in Milan, Illinois, was sworn in. He said he is the property owner and this tow lot will not be open to the public as it is to only be for impounded vehicles from several local police departments and Federal officials. He said he needs the electric fence for security at the subject site.

As no one else wished to speak, the public hearing was closed.

Decision Case #2017-05 – Mr. McAdam made a motion to approve the request because:

1. The proposed fence will improve the return on the property by providing better security.
2. The proposed variance will not alter the character of the neighborhood.

Mr. Tschappat seconded the motion, and it passed unanimously.

Public Hearing #2017-06 - Request from the Sue McDevitt for a variance of 2 feet of the 6 foot maximum fence height requirement in an R-2 (one family residence) district at 2940 17th Street.

Mr. Fries presented the staff report. He explained that The zoning ordinance requires a maximum height of 6 feet for a fence in a residential zoning district (Section 8.12). The applicant proposes to install a black 8 foot tall chain-link fence surrounding the residence on the property.

As described in the attached letter from the applicant the reason for the taller fence is to keep the growing deer population out of her yard in order to protect her garden (see attached letter). The letter identifies an article from the University of Illinois Extension service that indicates that “white-tailed deer are excellent jumpers. Permanent fences need to be at least 8-feet high to keep deer out of the area”.

The proposed fence will be painted black to blend in more with the heavily wooded property. The applicant has placed markers to identify where the fence will be located in relation to property lines and 17th Street (see attached photos). Due to the sites slope down from 17th Street the fence will not be easily visible from the street or adjacent properties.

Chairman Snyder called for proponents.

Sue McDevitt, 2940 17th Street, was sworn in. She said she has a passion for her gardening hobby and has done everything she can to keep deer out of her garden, but to no avail. She said the deer population is still increasing despite local bow hunts and she has observed several large heard of deer inside and just outside her property. She said most research identifies that deer can easily jump over a six foot fence and due to the topography of her property deer would be able to get a running jump towards a fence, so that is the reason she needs an 8 foot fence.

As no one else wished to speak, the public hearing was closed.

Decision Case #2017-06 – Mr. Tschappat made a motion to approve the request because:

1. The proposed fence will improve courtroom space and security for the County.
2. The property slopes down from the street, so the taller fence will not be easily visible from the street.
3. The proposed fence will not alter the character of the neighborhood.

Ms. Williams seconded the motion.

Mr. McAdam said that the City should look again at the bow hunting schedule to perhaps allow for more and/or longer hunts in order to reduce the deer population more.

Chairman Snyder agreed and said that the large deer population has become a public safety hazard particularly to motorists.

He then called for a vote on the motion to approve the variance, and it passed with Mr. Tschappat, Ms. Jalloh, Mr. McAdam, Ms. Williams and Chairman Snyder voting aye and Mr. Day voting nay.

Other Business:

Mr. Fries informed the Board there are four cases for the regular May 10, 2017 meeting.

Adjournment:

Chairman Snyder adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Alan Fries, Acting Secretary of the Board of Zoning Appeals